

REMARKS/ARGUMENTS

Applicants have reviewed and analyzed the Office Action dated August 1, 2008, and provide the following remarks and comments in response thereto. Claims 1, 4-5, 12, 14-16, 23, and 27 have been amended. Claims 13 and 26 have been cancelled. Claim 35 has been added. No new matter has been added. Claims 1-5, 7-16, 18-31, 33 and 34 remain pending upon entry of the present amendment.

Claim Objections

Claims 1, 12, and 23 are objected to for minor informalities as being unclear as to the meaning and scope of the limitation. Claims 1, 12, and 23 were amended to remove the feature of the first object defining a display position of the localized interactive component in the interactive EPG. Accordingly, Applicants respectfully request withdrawal of this ground of rejection.

Claim Rejections Under 35 U.S.C. §102

Claims 1-5, 8-9, 11-16, 20 and 22-27 stand rejected under 35 U.S.C. §102(e) as being anticipated by Martino *et al.* (U.S. Patent No. 6,662,177, “Martino”). Applicants respectfully traverse this rejection.

Amended independent claim 1 recites, among other features, a “memory storing a first object, a second object, and a third object . . . the third object corresponding to content information for display in the EPG,” and “a processor configured to generate the interactive EPG by combining the first object, the second object and the third object.”

The Action alleges Martino discloses these features. Specifically, the Action points to the user interface as the first object, the software module to display the search world or the profile world as the second object, and the software module to display the overview world as the third object. *See Office Action*. Martino discloses a user interface that generates three “environments” or “worlds”. In particular, a “search world”, a “profiling world”, and an “overview world” are described. *See Martino*, col. 2, lls. 21-22. While three worlds are named, Martino fails to teach or disclose the first second and third objects, and in particular, the third object, as recited in claim.

In the search world of Martino, the user enters, saves, and edits filtering and sorting criteria. *See Martino*, col. 2, lls. 22-25. In the profiling world, the user generates and modifies user profiles. *See Martino*, col. 2, lls. 25-27. However, the third “overview world” relied on in the office action is merely an interface for presenting results of the other previously mentioned “worlds.” As explicitly recited in Martino, the “overview world” presents the results of the filtering and sorting criteria in a visually clear and simple way. Preferably, a three-dimensional animation is shown with three-dimensional tokens representing each record.” *Martino*, col. 5, lls. 22-25; *see also Martino*, col 5, lls. 25-37.

Thus, the third environment or world relied on in the Office Action is a manner of presenting information not “a third object corresponding to content information for display in the EPG” as recited. In fact, as is evident by that discussed in Martino and the corresponding figures, the third overview world, or more properly the overview “environment” or interface, is completely distinct and unrelated to generation of an EPG in Martino. Accordingly, Martino does not teach or suggest a processor configured to generate an interactive EPG by combining the first object, the second object and the third object as recited in claim 1.

Claim 1 also recites, “the interactive component includes localized content.” The Action contends that the localized content is suggested by Martino in the form of targeted advertising, an “alleged” feature of the described MbTV. Specifically, the Action contends that localized content is taught or suggested because “a viewer in the West Coast would most likely prefer to view television programs of his/her local viewing area rather than those broadcast on the East Coast.” However, assuming without admitting this assertion, Martino fails to teach or suggest an *interactive component* including localized content. Furthermore, the article applied in the Action regarding MbTV merely discloses a device that learns its viewers’ television watching tastes without any user intervention and can recommend, record and delete desirable programs based on the device’s passive observance of viewers’ tastes. Thus, the applied article reference fails to teach or suggest an *interactive component* including localized content as recited in claim 1.

For at least these reasons, claim 1 is patentably distinct over Martino. Claims 2-5, 8-9, and 11 depend from claim 1 and are patentably distinct for at least these reasons.

Amended independent claims 12 and 23 include similar features to those discussed with respect to claim 1. Accordingly, claims 12 and 23 are patentably distinct over Martino for at

least the same reasons as claim 1. Claims 13-16, 20, 22, 24-27 depend directly or indirectly from claim 12 or 23 and are therefore patentably distinct over Martino for at least the reasons discussed with respect to their respective base claims and in light of further patentable features recited therein.

New claim 35 depends from claim 1 and is patentably distinct over Martino for at least the reasons discussed with respect to claim 1.

Claim Rejections Under 35 U.S.C. §103

Claims 7, 10, 18, 19, 21, 22 and 28-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Martino in view of Finseth *et al.* (U.S. Patent No. 6, 754,906, hereinafter “Finseth”). This rejection is respectfully traversed for at least the following reasons.

As discussed above with respect to independent claims 1, 12, and 23, Martino fails to disclose all the features of those claims. Finseth fails to cure the deficiencies of Martino. Accordingly, Claims 1, 12, and 23 are patentably distinct over Martino in view of Finseth. Claims 7, 10, 18, 19, 21, 22, and 28-24 depend from independent claims 1, 12, or 23, and are allowable over Martino in view of Finseth for at least the reasons discussed with respect to their ultimate base claim and in light of the further patentable features recited therein.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: November 3, 2008

By: /Stephanie L. Knapp/
Stephanie L. Knapp
Registration No. 62,473

BANNER & WITCOFF, LTD.
1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000